



## **ORDINANCE 587**

**AN ORDINANCE AMENDING THE ELSMERE POLICE SECONDARY PENSION PLAN TO ENSURE THAT IT IS COMPLIANT WITH THE SUPREME COURT'S DECISION IN UNITED STATES V. WINDSOR.**

**Sponsored by:** Mayor Steve Burg  
1st District Councilman John Jaremchuk

**First and Second Reading:** November 13, 2014 Council Meeting

**Results:** 6 In Favor, 0 Opposed with 1 Absent

**Third and Final Reading:** December 11, 2014 Council Meeting

**Results:** 7 In Favor, 0 Opposed

## ORDINANCE 587

### AN ORDINANCE AMENDING THE ELSMERE POLICE SECONDARY PENSION PLAN TO ENSURE THAT IT IS COMPLIANT WITH THE SUPREME COURT'S DECISION IN UNITED STATES V. WINDSOR.

**WHEREAS**, the Mayor and Council for the purpose of ensuring that the Elsmere Police Secondary Pension Plan is compliant with the Supreme Court's decision in United States V. Windsor wish to amend the plan; and

**WHEREAS**, the Mayor and Council intend for the provisions of this amendment take precedence over any inconsistent provisions of the Plan.

### **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, THE FOLLOWING:**

That the Elsmere Police Secondary Pension Plan is hereby amended as follows

- (1) That the definition of the word "Spouse" shall be as follows:

**Spouse:** Except as may be provided in (2) below and notwithstanding any other provision of the Plan to the contrary, effective September 16, 2013, the term "spouse" is defined for those purposes indicated in (3) below to mean the person to whom the participant is legally married under the laws of the state or country in which the marriage was celebrated, without regard to whether such marriage is recognized under the laws of the state or country in which the participant resides.

- (2) **Transition Period:** For the period June 26, 2013 through September 15, 2013, the Plan recognized a person as a participant's spouse regardless of whether the marriage was also recognized under the laws of the state or country in which the participant was domiciled. (Recognition based on state of celebration)

- (3) **Application of New Spouse Definition:** The definition of spouse described in this amendment applies for all Plan purposes.

\_\_\_\_\_  
November 13, 2014  
First and Second Reading

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December 11, 2014  
Third and Final Reading

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Steven E. Burg, Mayor

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Joann I. Personti, Secretary

Approved as to form:

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Town Solicitor

Ordinance 587 An ordinance amending The Elsmere Police Secondary Pension Plan.

**SYNOPSIS**  
**ORDINANCE 587**

This Ordinance amends The Elsmere Police Secondary Pension Plan to ensure that it is compliant with the Supreme Court's decision in United States V. Windsor.

Fiscal Impact:           None